



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

*Certified mail*

7001 0320 0006 0176 4508

REPLY TO THE ATTENTION OF:

February 10, 2003

Whyte, Hirschboeck & Dudek  
Attn: Jennifer Buzecky  
111 East Wisconsin Ave., Suite 2100  
Milwaukee, WI 53202  
(re: Bucyrus International)

US EPA RECORDS CENTER REGION 5



463467

Dear Sir or Madam:

On December 20, 2002, U.S. EPA sent out letters offering a number of parties an opportunity to enter into a *de minimis* settlement with the United States to resolve alleged liability under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) for all past response costs incurred by the United States at the CRS Site and for anticipated future response costs which the United States expects it may incur at that Site. Enclosed with that letter was a copy of the Administrative Order on Consent (Consent Order) which will express the agreements of the settling parties.

The letter stated the sum U.S. EPA was prepared to accept to settle its claims against the party you represent, **Bucyrus International**. The letter also provided instructions and invited you to send a signature page, signed by someone authorized to commit funds on behalf of the party you represent in order to resolve this matter. That letter also invited each party to request a Waste Quantity Review if the party had any additional information to provide or believed that the volume attributed to the party was in error.

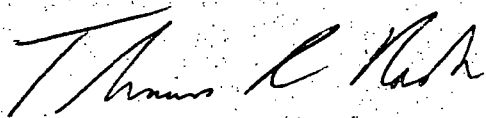
U.S. EPA has received your request for a Waste Quantity Review. U.S. EPA has reviewed and considered your request, the position or arguments you advanced, and any supporting evidence or documentation you provided. U.S. EPA has determined that the arguments and evidence you provided are not sufficiently persuasive to warrant an adjustment to the quantity attributed to the party you represent in the volumetric ranking prepared for U.S. EPA by Techlaw. Therefore, U.S. EPA is not prepared to negotiate settlement with you for a sum lower than the amount stated in our letter to you dated December 20, 2002.

U.S. EPA is still prepared to settle its claims against you for **\$6,800.00**. You must send in your signature page by **February 21, 2003**, if you wish to enter into this *de minimis* settlement. If U.S. EPA has not received a signature page from you by February 21, 2003, U.S. EPA will assume you do not intend to join in this settlement.

The enclosed Consent Order contains provisions for contribution protection and a covenant not to sue. The enclosed Consent Order, when fully executed, with the signature pages of all settling PRPs, will be forwarded to U.S. Department of Justice for approval, and notice of the terms of the settlement will be published in the Federal Register. After this notice, and consideration of comments received, the terms of the Order will become final and effective.

Please note that the terms of the Order itself provide that the sum paid to the United States in settlement does not become due until the effective date of the Order. U.S. EPA will inform you at that time when the Order becomes final and effective, and will send you instructions regarding payment at that time. Please do not send payment until you receive those instructions. Please call me at 312-886-0552 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas C. Nash".

Thomas C. Nash  
Associate Regional Counsel

enclosure

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Whyte, Hirschboeck & Dudek

Attn: Jennifer Buzacky

111 East Wisconsin Ave., Suite 2100

Milwaukee, WI 53202

(re: Bucyrus International)

D. Sheppard  
SL-6J rps

7001 0320 0006 0176 4508

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- Certified Mail is *not* available for any class of international mail.
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- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Whyte, Hirschboeck & Dudek  
Attn: Jennifer Buzacky  
111 East Wisconsin Ave., Suite 2100  
Milwaukee, WI 53202  
(re: Bucyrus International)

2. Article Number  
(Transfer from service label)

7001 0320 0006 0176 4508

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

2/13/03

C. Signature

X

*Richardson*

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☐ Addressee

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☐ Yes

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Remedial Enforcement Support Sect.  
77 West Jackson Blvd.  
Chicago IL 60604 (re: CRS)

